

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 90 of the Commission's Rules)	
and Policies for Applications and Licensing of Low)	WT Docket No. 01-146
Power Operations in the Private Land Mobile)	
Radio 450-470 MHz Band)	

**COMMENTS
OF
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association, Inc. ("PCIA"), pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Comments in the above-captioned proceeding.¹

I. INTRODUCTION

PCIA is an international trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the PCS Alliance, the Mobile Wireless Communications Alliance, the Site Owners and Managers Association, and the Private System Users Alliance. In addition, PCIA is the FCC-appointed frequency coordinator for the Industrial/Business Radio Service, the 800 and 900 MHz Business and Special Industrial/Land Transportation Pools, 800 MHz General Category frequencies, and for the 929 MHz paging frequencies.

¹ 66 FR 47435 (Sept. 12, 2001).

As a member of the Land Mobile Communications Council (“LMCC”), PCIA actively participated in the drafting of LMCC’s Comments. PCIA supports those Comments, and incorporates them herein by reference.

II. COMMENTS

A. Power Designations

PCIA supports LMCC’s recommendation that Effective Radiated Power (“ERP”) be utilized as the measurement tool for defining maximum power for these frequencies. As a frequency coordinator, PCIA strongly believes that ERP is the best and most efficient measurement available to assist with determining the impact that implementation of a system will have on co-channel and adjacent channel users.

The continued use of Transmitter Output Power (“TPO”) for mobile units will significantly limit the availability of viable spectrum, decrease the effectiveness of the frequency coordination process, and lead to mis-utilization of the band. The LMCC’s recommendation represents the most effective approach consistent with the Commission’s low power rules while ensuring maximum user flexibility.

B. Group A Frequencies

PCIA supports the establishment of a maximum limitation for Group A frequencies of both five watts TPO and six watts ERP. The TPO/ERP rule will allow for greatly flexibility by allowing decisions to be based upon the specific needs and each individual entity’s available resources while maintaining the integrity and purpose of the allocation.

PCIA concurs with the Commission's conclusion that 457.5375 MHz should not be included in the Group A frequencies. In addition to the issues associated with this allocation, any substitute frequency would more than likely result in additional cases of high power systems already licensed on low power frequencies. It is PCIA's position that there are sufficient Group A frequencies (along with the 6.25 kHz channels interspersed amongst the Group A frequencies) proposed to accommodate users.

In response to the Commission's inquiries for suggested definitions of the Top 100 urban areas for use in conjunction with 40 of the channel pairs in Group A,² PCIA advocates the utilization of the list provided for in 47 C.F.R. §90.741. This list already serves the 220-222 MHz band and because the list is 100 cities instead of some smaller lists, the impact of changes in some of the smaller cities falling off or coming on any Top 100 list is fairly minimal.

The Commission has also requested comment on the nature and extent of difficulties that may arise with coordination of systems near the fifty-mile radius circle. PCIA, while aptly aware of the Commission's concerns, is fully capable of addressing the majority of interference issues between the high and low power systems. Additionally, PCIA believes that any further regulatory guidance in this area will compromise industry flexibility and interfere with overall coordinator effectiveness.

The Commission also requests comment on the viability of secondary telemetry operation on Group A frequencies.³ In the past, telemetry has been permitted on 450-470 MHz frequencies on a secondary basis pursuant to 47 C.F.R. §90.35(c)(30). While telemetry operations have not been a problem on the 450-470 MHz frequencies, PCIA has witnessed an increase in

² NPRM at para. 16.

³ NPRM at para 18.

implementation of mobile telemetry systems on voice channels. The increase of these devices, which are often implemented without the aid of monitoring equipment, causes interference to voice users. Therefore, PCIA contends that in order to minimize interference between voice and non-voice systems, the Commission should not permit mobile-only data on Group A frequencies.

C. Group B Frequencies

PCIA supports the establishment of a maximum limitation for Group B frequencies of both five watts TPO and six watts ERP. The TPO/ERP rule will allow for greatly flexibility by allowing decisions to be based upon the specific needs and each individual entity's available resources while maintaining the integrity and purpose of the allocation.

PCIA commends the LMCC for its attempts to accommodate the expanded use of telemetry and base/mobile data by proposing to set aside ten Group B frequencies specifically for this purpose. In response to Commission inquiries as to whether continuous data transmission should be permitted on the Group B frequencies, PCIA supports an approach where a protected service area ("PSA") is used only in those situations where the licensee is employing spectrally efficient data or voice technology. PCIA requests that the Commission utilize guidelines that are being developed by the LMCC that would permit single channel PSAs.

In order to allow for a smooth and efficient transition of the guidelines when they are accepted, PCIA suggests that the Commission permit primary base/mobile data or primary fixed point-to-point data or telemetry on Group B frequencies. The Commission should also permit continuous transmissions of data on Group B frequencies, provided such operation has been coordinated as such.⁴ Mobile only data should be prohibited.

⁴ The requirement for coordination as a continuous data flow system would permit the frequency advisory committee to utilize whatever rules and/or coordination guidelines developed at a later date with regard to PSAs.

As a general rule, Group B frequencies should be utilized for data or telemetry only. However, PCIA does support secondary voice operations on Group B frequencies provided that the voice operations relate to the licensee's utilization of the channel for telemetry and/or data. In other words, the Commission should permit users with telemetry or data needs to utilize the same Group B frequency for their voice communications that are necessary in conjunction with the telemetry or data use (provided that it is recognized that the voice operations are secondary). In this manner, users will not need to license multiple channels.

D. Group C Frequencies

PCIA supports the establishment of a maximum limitation for Group B frequencies of both five watts TPO and six watts ERP. The TPO/ERP rule will allow for greatly flexibility by allowing decisions to be based upon the specific needs and each individual entity's available resources while maintaining the integrity and purpose of the allocation.

PCIA is opposed to the Commission's proposal to prohibit the non-coordinated use of Group C frequencies until the deadline for medical telemetry systems to vacate this spectrum. Since systems on these channels will continue to be low power, the possibility of interference from low power radios to medical telemetry devices will not increase. PCIA also strongly advocates LMCC's proposal (with which the Commission has tentatively agreed) to require radios manufactured for the Group C frequencies to be capable of operation on only the Group C frequencies, and other "color dot" frequencies. This restriction is critical to reduce the incidences of unlicensed, uncoordinated use of other 150 MHz and 450-470 MHz spectrum.

E. Group D Frequencies

PCIA agrees with LMCC's proposal that no changes be made to the current operating rules for Group D frequencies which are reserved, for the most part, for central station alarm (CSA) operation.

The Commission states that low power operations are not required to specify station coordinates on their licenses. PCIA supports this flexibility with regard to Group D channels only. Effective frequency coordination is dependent upon possessing the maximum amount of information possible. There is no reason why fixed stations on non-central station frequencies cannot supply coordinate information, and such information should be required.

For mobile only systems, the providing of coordinate information only serves to assist interested parties. Thus, while the Commission should not require coordinate information for mobile-only systems, the Commission should nevertheless encourage such information to be submitted.

F. Codification Of Consensus Plan

PCIA recognizes and appreciates the value of the Commission's proposal to designate that coordinators may select specific frequencies for each group of low power channels, and not incorporate specific frequencies for each pool to the Rules. In doing so, the Commission would give frequency advisory committees flexibility to amend and revise the channel scheme over time to accommodate usage patterns without resorting to the lengthy process of a rule making proceeding.

However, PCIA is concerned such flexibility could also lead to pressure from applicants with spectrum desires inconsistent with the purpose of the pools to exert considerable pressure on coordinators to arbitrarily modify the pool scheme. Further, such lack of codification may

negatively impact the willingness of legitimate users to expend the considerable funds necessary to construct high technology systems, for fear that the channel scheme could be amended arbitrarily and without consideration of the user's operation. When coupled with the 6.25 kHz channels which can be expected to be utilized more extensively in the future, the LMCC Low Power Pool Plan has a sufficient number of channels in each pool to accommodate the shifting utilization of spectrum which may occur. Coupled with the fact that some Group C frequencies will not even be available for several years, PCIA believes that the Commission's offer of flexibility is neither prudent or necessary. Therefore, PCIA requests that the Commission incorporate the Low Power Pool Plan into its Rules.

G. Channel Pairs

PCIA urges the Commission retain LMCC's paired channel proposal as submitted. Retention of the paired channel portion of the proposal is critical, since in some geographic areas a frequency pair will be used for high power operation, while in other areas the same frequency pair may be utilized for low power operation. Additionally, increased user flexibility will not decrease with the designations included in the Commission's Rules, nor will any harm result by maintaining the channels as paired.

H. Grandfathering Issues

PCIA recognizes that there are some licensees that have been licensed for high power use over the past several years on the proposed low power pool frequencies. However, PCIA and other frequency advisory committees have made efforts since the original LMCC proposal to avoid coordination of high power systems on those channels. Therefore, PCIA believes that the instances of non-conforming systems will be limited. For those high power systems which have

been licensed on low power pool channels, PCIA proposes that the Commission grandfather their existing operations and parameters for five years or until the end of the license term, whichever is shorter, and automatic renewal of such licenses through the Universal Licensing System should be prevented.

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully Submitted,

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